

CITY OF TIGARD, OREGON

RESOLUTION NO. 02- 01

A RESOLUTION TO REVISE RESOLUTION NO. 00-08, CITY WIDE PERSONNEL POLICIES, INCORPORATING CHANGES TO ARTICLE 45, ELECTRONIC COMMUNICATIONS

WHEREAS, the City of Tigard has determined that Article 45, Electronic Communications, of the City Wide Personnel Policies, is in need of updating to address organizational needs and current business practices,

WHEREAS, a complete review and update to this article has now been completed,

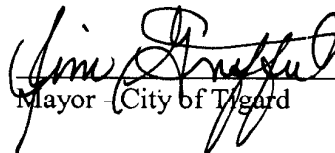
NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The proposed revisions to Article 45, Electronic Communications, as referenced in the attached Exhibit A are hereby adopted.

SECTION 2:

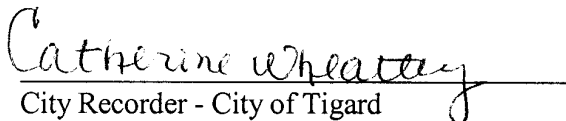
EFFECTIVE DATE: Upon its passage

PASSED: This 8th day of January, 2002.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

EXHIBIT A
Computer Use, Electronic Mail and Internet Policy
for the City of Tigard

This policy applies to all City of Tigard employees and their use of City computers, the electronic mail (e-mail) system and the Internet.

It is the City's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools are the property of the City of Tigard. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic devices. Any individuals using this system are subject to monitoring and all individuals using the system without authority or in excess of their authority are subject to having all their activities on this system monitored, recorded and examined by an authorized person, including law enforcement, as system personnel deem appropriate. Any material so recorded may be disclosed as appropriate.

Information Sharing

Employees are not allowed to use a code, access a file, or retrieve any stored information, other than where authorized, unless there has been prior clearance by an authorized supervisor. City property or information that is confidential and/or proprietary information cannot be shared with individuals outside of the City without prior clearance from a department director. Any employee who leaves employment with the City is prohibited from taking or copying any City property or information unless specifically authorized by their department director.

Personal Use

In general, employees may not use computers owned by the City for personal purposes. The City of Tigard's computer system is for authorized users only. There are some circumstances where the City believes the use of computers for personal purposes does not violate the Oregon Government Standards and Practices Commission guidelines (see Exhibit A.) For example, an allowable use would be the preparation of application materials for a different position within the City or term papers for a City-sponsored class.

The personal use of City computers, with the exception of e-mail and the Internet, is permitted:

- during an employee's lunch period,
- one hour before their normal work schedule begins,
- one hour after their normal work schedule ends, and
- the time between the end of the employee's "work shift" and the beginning of an evening meeting that the City requires the employee to attend.

Personal use of the e-mail system and the Internet is not allowed at any time.

No personal use of City computers is allowed on an employee's day off unless the use is related to an educational purpose that is consistent with the City's policies and has been approved by the employee's supervisor.

Personal use of the computer system may not interfere with the employee's work, another employee's work or have an undue impact on the network. Playing games on the City's computers is not allowed. Sending large attachments (greater than two megabytes) to multiple people, distributing hoaxes, and spamming are examples of e-mail usage that could affect employee time or system capacity

Internet Access

The City has equipped their computers with access to the Internet in order to have access to information and to provide information to the public. Personal use of the Internet is not allowed.

City equipment may not be used at any time to access inappropriate sites or to transmit or receive inappropriate information. Pornography, hate groups, and off shore gambling are examples of inappropriate sites and accessing these sites is a misuse of City property.

The City recognizes that occasionally, while in pursuit of valid City business, an employee may inadvertently follow an Internet link that leads to an inappropriate web page. If this occurs, it is not necessary for the employee to respond to the owner of the page, but the employee must notify his or her supervisor of what happened. Copies of e-mail and accessed web pages remain in the system for a period of time and the City may retrieve e-mail and web site histories. It is for the employee's own protection that any anomalies are documented.

E-mail

E-mail is a communication tool provided to City employees to assist them in the performance of their job duties. Personal use of the City's e-mail system is not allowed.

The City's e-mail system may not be used:

- to access an employee's personal internet e-mail account;
- to forward another's e-mail without the originator's permission;
- to send e-mail anonymously or under someone else's name;
- to support charitable, religious, or political activities or causes; and
- to support other activities that are not related to the direct conduct of City business.

Users understand that the City may use automated software to monitor material created, stored, sent, or received on its computer network.

Employee Responsibility

If an employee receives an inappropriate e-mail, he or she must immediately respond to the sender with a copy of the City's warning message, found in I:\citywide\EMAIL-WARNING.doc (Exhibit B.) **A copy of the response, including the original sender's**

name and e-mail address, must be sent to the employee's supervisor. This is to show the supervisor the employee made a good faith effort to dissuade the sender from sending inappropriate material. It also provides the employee protection if inappropriate materials are found in the employee's mailbox or hard drive.

If an employee receives a personal e-mail, he or she must immediately respond to the sender with a message notifying the sender the employee may not receive personal e-mail at the City. An example is available at I:\citywide\personale-mail.doc (Exhibit C.)

Laws and Licenses Compliance

Users are required to comply with all software licenses, copyright laws, Oregon Government Standards and Practices Commission's guidelines, City policies, and state and federal laws when using the City's computers, sending or receiving e-mail or accessing or downloading information from the Internet.

System Security

All employees have a responsibility to take reasonable precautions to protect the City's computer system. Reasonable precautions include, but are not limited to, updating anti-virus software when requested by Network Services, not allowing unauthorized access to the computer system, and safeguarding the employee's password.

If an employee becomes aware of a virus or the threat of a virus, the employee should immediately contact Network Services with the information. Network Services will evaluate the risk and, if warranted, notify all employees of the precautions that need to be taken.

Public Record

Under Oregon's public records law, most electronic mail messages are clearly public records. The definition of public records in ORS 192.005(5) "includes, but is not limited to, a document, book, paper, photograph, file, sound recording, or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use."

Although some messages may not fall under the definition of public record, it is safest to assume all messages created could be considered public record. Since most messages are public records, the only privacy an employee can expect is that afforded through disclosure exemptions. The privacy afforded government employees using government e-mail systems is minimal and an employee should have no expectation of privacy.

Public access and exemption from disclosure

E-mail is considered correspondence and like other forms of public records it must be made available to any member of the public upon request. Unless an e-mail message falls within one of the specific exemptions described in the public records statute, the e-mail record must be produced upon request. A person need not have a "legitimate" need for public records to be entitled to inspect them.

Please check with your supervisor, or the City Records Section, if you have a question on whether an electronic mail message should be provided to the public.

Retention and Disposition

The retention of records stored in electronic records systems, including e-mail systems, is governed by the City's retention schedule. If you have a question about the retention of a message, please contact the City Records Section.

An e-mail mailbox should not be used for storage. If an e-mail has value it should be printed and put into the appropriate file. It is the responsibility of the holder of the official record to make sure the file is updated. For example:

- An updated record's policy is e-mailed to all employees. It is the responsibility of the person sending the e-mail to keep the record copy.
- John Citizen calls and leaves a detailed message regarding a pending file; the receptionist forwards the message through the e-mail system. It is the responsibility of the person receiving the message to add the message to the file.

E-mail related to a current project or issue may be retained on the system as a reference tool. Once the project is completed or the issue resolved the employee should verify all relevant e-mail is in the file and then delete the e-mail from their e-mail box.

E-mail is a form of correspondence and must be kept in accordance with state retention requirements. The retention schedule for electronic mail records incorporates several correspondence record series. Examples are:

Record Series Correspondence	Retention Period	Action to take
Ephemeral (junk mail)	Retain as needed	Read and delete
General	1 year	Read, print and delete
Financial	3 years	Read, print and delete
Policy and Historical	Permanent	Read, print and delete

Program	Retain for the same period as the program or functional records series to which it relates	Read, print and delete
---------	--	------------------------

Policy Compliance

Employees who violate the *Computer Use, Electronic Mail and Internet Policy* may have e-mail access and Internet privileges suspended as well as be subject to disciplinary action, up to and including termination of employment.

Exhibit B - E-mail warning

“The City of Tigard considers your enclosed email as offensive and inappropriate use of city equipment. Please do not send me this type of material again. Should I receive similar material in the future I will forward it to Tigard City Administration who may contact and file a complaint with your Internet Service Provider and/or your Postmaster.”

Exhibit C - Personal use of e-mail

“The City of Tigard does not permit personal use of their e-mail system. Please direct all your correspondence to my home e-mail address. Thank you.”

**Computer Use, Electronic Mail System and Internet Policy
Employee Acknowledgment Form**

I have read the *Computer Use, Electronic Mail and Internet Policy for the City of Tigard*. I understand that the electronic mail system and all information transmitted by, received from, or stored in the City's computer system is the property of the **City of Tigard**. I also understand the e-mail system and Internet access is provided for job related purposes. I have no expectation of privacy in connection with the transmission, receipt, or storage of information in the computer system. I understand that if I use the system for personal or improper reasons I bear any responsibility that may arise from that usage. I understand that violation of the *Computer Use, Electronic Mail and Internet Policy* may result in my e-mail access and Internet privileges being suspended as well as being subject to disciplinary action, up to and including termination of employment.

I acknowledge and consent to **City of Tigard** authorized personnel monitoring my use of the e-mail system and the Internet at their discretion. Such monitoring may include printing and reading all e-mail entering, leaving, or stored in the system.

I agree not to compromise the privacy of other network users by using a code, accessing a file, or retrieving any stored communication unless authorized. I further agree to comply with all software licensing agreements, copyright laws and City policies in my use of the City's computers.

I understand electronic mail may be a public record, and as such, retention of electronic mail is regulated by the City's retention schedule. When an e-mail message has administrative, historical, or informational value I will print it and put into the appropriate file. I understand destruction of electronic messages must be done in accordance with the City's retention schedule.

Employee Name (please print)

Employee's Signature

Date

Signature of person conducting training

Date

DRAFT – 9/25/01

Signature of person conducting training

Date